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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/076,660

02/15/2002

Robert Lance Cook

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EXAMINER

LEE, CLOUD K

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

08/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/076,660

Applicant(s)

COOK ET AL.

Examiner

Cloud K. Lee

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 17, 19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 17, 19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/22/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7, 17, 19, 21-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Szarka (US Patent No. 4,627,488).

Szarka discloses a method of controlling the flow of fluidic materials comprising an injecting fluidic materials into the inlet passage (810), blocking the inlet passage (892 or 754) wherein the inlet passage is placed a ball plug (892), conveying the injected fluidic materials radially out of the inlet passage (see figure 5B) into a plurality of spaced apart longitudinal passages (see figure 5B, from 762, 790 through screen 32 to passage 24) defined in the tubular housing and into an annular chamber defined in the tubular housing that surrounds the inlet passage (see where 768 and 774), opening the outlet passage to permit fluidic materials within the inlet passage and the annular chamber to be conveyed out of the housing (see figure 6B element 768, 785 and 776, also see Col 16 lines 56-68, and the ball valve 348), wherein the method further comprising preventing debris from entering the annular chamber (64), wherein the method further comprising detecting the operating pressure of the injected fluidic materials, and if the detected operating pressure of the injected fluidic materials exceeds a predetermined amount then opening the outlet passages (see Col 16 lines 56-68), Szarka discloses the method

further comprising if the detected operating pressure of the injected fluidic materials exceeds about 500 to 3000 psi (see Col 19 lines 19-23), then displacing valve members (see Col 19 lines 36-43) positioned within corresponding longitudinal valve chambers defined in the tubular housing, wherein the method further comprising controlling the rate at which the fluidic materials are conveyed out of the tubular housing through the outlet passages using variable orifices when the valve members (768, 774 and 768) are displaced in a variable position and created a variable orifices, wherein the outlet passages are orthogonal to the inlet passage (see 902).

Response to Arguments

3. Applicant's arguments filed 7/09/07 have been fully considered but they are not persuasive.

In response to applicant's argument that Szarka does not disclose a method, detecting the operating pressure of the injected fluidic materials, and if the detected operating pressure of the injected fluidic materials exceeds a predetermined amount, then opening the outlet passages. The examiner disagrees. The method for detecting the operating pressure of the injected fluidic materials merely recites a passage have a means for controlling the pressure of the fluid, such as, when pressure of the injected fluidic materials exceeds a predetermined amount, then actuates the means for controlling the pressure of the fluid. In fact, Szarka discloses a sealing cups 774 and 776 which function as a check valve for detecting and controlling the operating pressure of the injected fluidic materials, when the check valve detects the pressure of the injected fluid materials exceeds a predetermined amount, the operating pressure of the injected fluidic

materials actuates the check valve and open the outlet passages. Therefore, Szarka discloses all and every single elements presently claimed in independent claims 7 and 30.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL



GREGORY HUSON
SUPERVISORY PATENT EXAMINER
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